IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 599 of 2007()

(AGAINST C.R.63/06 OF EXCISE RANGE OFFICE, THIRUVANANTHAPURAM)

PETITIONERS:ACCUSED 1 & 2:

1. **AYYAPPAN, AGED 30 YEARS, S/O.MANIYAN PUTHENVELIL (KUTTIKADU, KULATHUMMEL, NEYYATTINKARA.**

2. **PREMAKUMARI, W/O.CHANDRAN, MANALIVAYAL THALACHEL, MECKOLA, MANJAVILAKAM KOLLAYIL, NEYYATTINKARA.**

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENT: COMPLAINANT:

STATE OF KERALA REP. BY EXCISE INSPECTOR THIRUVANANTHAPURAM EXCISE RANGE, THIRUVANANTHAPURAM, BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.599 of 2007

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.63 of 2006 of Excise Range Office, Thiruvananthapuram against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

rtr/-